

1 NORMAN L. SMITH [SBN 106344]
nsmith@swsslaw.com
2 ELIZABETH A. MITCHELL [SBN 204853]
emitchell@swsslaw.com
3 SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B Street, Suite 1200
4 San Diego, California 92101
Telephone: (619) 231-0303
5 Facsimile: (619) 231-4755

6 Attorneys for Defendant and Counter-Claimant
KONTRON AMERICA, INC.

7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EXCEPTIONAL INNOVATION, LLC,

CASE NO. 07CV2041 LAB (LSP)

11 Plaintiff,

PROOF OF SERVICE

12 vs.

13 KONTRON AMERICA, INC.,

14 Defendant.

16 KONTRON AMERICA, INC.,

17 Counter-Claimant,

18 v.

19 EXCEPTIONAL INNOVATION, LLC,

20 Counter-Defendant.

21

22 I, the undersigned, declare:

23 I am employed in the County of San Diego, State of California. I am over the age of
24 18 years and not a party to this action. My business address is Solomon Ward Seidenwurm
& Smith, LLP, 401 B Street, Suite 1200, San Diego, California 92101.

25 On March 31, 2008, I served a copy, including all exhibits, if any, of the following
26 document(s):

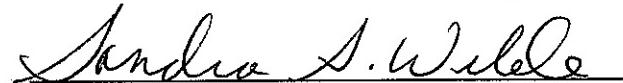
27 **JOINT MOTION FOR PROTECTIVE ORDER; AND**
PROTECTIVE ORDER

28

1 on the parties in this action listed in the attached Proof of Service List, which is incorporated
 2 herein by this reference, by the following means:

- 3 **(BY MAIL)** I caused each such envelope to be sealed and placed for collection
 4 and mailing from my business address. I am readily familiar with the practice
 5 of Solomon Ward Seidenwurm & Smith, LLP for collection and processing of
 6 correspondence for mailing, said practice being that in the ordinary course of
 7 business mail is deposited with the postage thereon fully prepaid in the United
 8 States Postal Service the same day as it is placed for collection. I am aware
 9 that upon motion of the party served, service is presumed invalid if the postal
 10 cancellation date or postage meter date on the envelope is more than one day
 11 after the date of deposit for mailing contained in this affidavit.
- 12 **(BY PERSONAL SERVICE)** I caused each such envelope to be sealed and
 13 given to a courier authorized by our attorney service to receive documents for
 14 delivery on the same date. A proof of service signed by the authorized courier
 15 will be filed forthwith.
- 16 **(BY FEDERAL EXPRESS)** I am readily familiar with the practice of Solomon
 17 Ward Seidenwurm & Smith, LLP for the collection and processing of
 18 correspondence for overnight delivery and know that the document(s)
 19 described herein will be deposited in a box or other facility regularly
 20 maintained by Federal Express for overnight delivery.
- 21 **(BY FACSIMILE)** This document was transmitted by facsimile transmission
 22 from (619) 231-4755 and the transmission was reported as complete and
 23 without error. I then caused the transmitting facsimile machine to properly
 24 issue a transmission report, a copy of which is attached to this affidavit.
- 25 **(BY E-MAIL)** This document was transmitted by E-MAIL transmission and the
 26 transmission was reported as complete and without error.
- 27 **(FEDERAL)** I declare that I am employed in the office of a member of this bar
 28 of this court, at whose direction this service was made.

Executed on March 31, 2008, at San Diego, California.


 20 Sandra S. Wilde
 21
 22
 23
 24
 25
 26
 27
 28

PROOF OF SERVICE LIST

1 Vladimir Belo
2 Bricker & Eckler LLP
3 100 South Third Street
Columbus, OH 43215
4 Tel: 614-227-2300
Fax: 614-226-8812
5 vbelo@bricker.com

6 Attorneys for Plaintiff EXCEPTIONAL
INNOVATION, LLC

7 Jeffrey Wertheimer
8 Christopher Heikaus Weaver
Summer Young Anriesti
9 Rutan & Tucker, LLP
611 Anton Blvd., Fourteenth Flor
10 Costa Mesa, CA 92626-1931
Tel: 714-641-5100
11 Fax: 714-546-9035
Jwertheimer@rutan.com
12 cheikausweaver@rutan.com

13 Attorneys for Plaintiff EXCEPTIONAL
INNOVATION, LLC

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28